

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**ALICE BUCKLER,**

**Defendant.**

**CASE NO. 8:05CR212**

# MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 42) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 30). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing the Defendant's statements made to federal and state law enforcement officers on June 1, 2005, arguing that the statements were involuntary, coerced, and taken without *Miranda* warnings. Three statements are at issue: initial statements made in a garage; statements made in a living room over a period of about two minutes; and another statement made in the garage over a period of about two minutes. Judge Gossett determined: the testimony of Investigator Haiar and Agent Crane was credible; the Defendant's testimony was not credible; *Miranda* warnings preceded the initial statement made in the garage; the Defendant waived her *Miranda* rights; all statements were custodial; and, under the totality of the circumstances, all three statements were voluntary. Specifically, all three statements were made without coercion or threats, and the Defendant was not intoxicated through ingestion of OxyContin.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 31, 36) and the transcript (Filing No. 45). The Court has also viewed the evidence. (Filing No. 39) Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 42) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 30) is denied.

DATED this 30<sup>th</sup> day of August, 2005.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge